

Applicant inquired whether the following proposed amendment would overcome the outstanding rejections to claim 1:

Proposed claim amendments:

1. (Currently Amended) A water-purifying solid material for microbially purifying water, consisting essentially of:

a natural raw material comprising a polysaccharide as principal component and nitrogen at a C/N ratio of 6 or more, being processed in-solid that solubility of the solid water-purifying material in water and white turbidity given to water are [[low]] lower compared to the natural raw material.

After careful consideration of the proposal, the examiner responded as follows: As set forth in the Final rejection of 6/19/08, the examiner's position was – and remains - that the expression “being processed in solid that solubility” could not be understood. The proposed rectification does not solve the problem. First, proposed claim 1 would continue to recite the expression, “being processed.” It would continue to be unclear whether a product, e.g., “a . . . material,” is being claimed, whether an intermediate product in the very midst of processing, e.g., “a . . . material . . . being processed,” is being claimed, or whether a product-by-process is being claimed.

Second, “being processed that” is not proper grammar. It remains unclear what applicants are trying to say here. Therein lies a continuing substantive problem with the claim.

Art Unit: 1797

Third, insofar as “solubility” in this case is defined by the specification as the very same thing as “white turbidity,” i.e., from [0028],

for reduction in their solubility. In this invention, the “solubility” means the white turbidity of water when a certain amount of the natural raw material, or the solid material according to the present invention of a processed natural raw material, is left in water for a particular period (two days to one week); and “the white turbidity of water” of the solid

Claim 1 remains unclear because it is unclear whether “solubility” is determined after two days or after one week, and because it is unclear in what respect “solubility” and “white turbidity given to water” differ in meaning. If these two terms mean the same thing, then the claim is confusing because the two terms used are redundant. If their meanings differ, it is unclear in what respect they differ.

Fourth, insofar as “processing” in this case is “not particularly limiting,” i.e., from [0028], it is unclear what “being processed” means in this case.

The examiner concluded the interview by stating that for the foregoing reasons, if such a claim were to be proposed formally, such submission would be denied entry and an Advisory Action would be mailed. Finding too many issues that the examiner felt could be resolved after final rejection, the examiner suggested that an RCE be filed if applicants wished to pursue this application further.

/Chester T. Barry/
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